

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

This document relates to:

CONTINENTAL CASUALTY CO., *et al.* v. AL QAEDA ISLAMIC ARMY, *et al.*, Case No. 04-CV-05970;

FEDERAL INSURANCE CO., *et al.* v. AL QAIDA, *et al.*, Case No. 03-CV-6978; and

NEW YORK MARINE AND GENERAL INSURANCE CO. v. AL QAIDA, *et al.*, Case No. 04-CV-6105.

**NOTICE OF TALAL M. BADKOOK'S AND THE
THE M.M. BADKOOK COMPANY'S
CONSOLIDATED MOTION TO DISMISS**

PLEASE TAKE NOTICE that, pursuant to Rule 12(b), Fed. R. Civ. P., defendants Talal M. Badkook and the M.M. Badkook Company, by and through undersigned counsel, hereby make a limited appearance for the purpose of moving the Court, before the Honorable Richard C. Casey, United States District Judge, at the United States District Court, Southern District of New York, 500 Pearl Street, New York, New York 10007, at a date and time to be determined by the Court, for an order dismissing, pursuant to Rules 12(b)(1), 12(b)(2), 12(b)(5), and 12(b)(6), Fed. R. Civ. P., the plaintiffs' complaints in the following three cases, Continental Casualty Co., et al. v. Al Qaeda Islamic Army, et al., Case No. 04-CV-05970; Federal Insurance Co., et al. v. Al Qaeda, et al., Case No. 03-CV-6978; and New York Marine and General Insurance Co. v. Al Qaeda, et al., Case No. 04-CV-6105, on the basis of (1) lack of personal jurisdiction; (2) failure to state a claim upon which relief can be granted; and (3) improper service of process. A memorandum of law, with exhibits, in support of this Motion is attached hereto.

Respectfully submitted,

/s/ Lynne Bernabei

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